

Remarks

I. Summary of the Office Action

Claims 1-162 are pending in this case.

Claims 121-162 are withdrawn from consideration.

Claims 1-2, 6-7, 17-18, 22-23, 27-28 and 38-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rothmuller U.S. Patent No. 5,635,989 ("Rothmuller").

Claims 3-4, 8-10, 24-25 and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller.

Claims 5 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Levitan U.S. Patent No. 5,534,911 ("Levitan") and further in view of Lawler et al. U.S. Patent No. 5,907,323 ("Lawler").

Claims 11-16, 20-21, 32-37, 41-46, 48-60, 62-66, 68-80, 82-86, 88-100, 102-105 and 107-119 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Klosterman et al. U.S. Patent No. 6,469,753 ("Klosterman").

Claims 19, 40, 61, 81, 101 and 120 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Amano et al. U.S. Patent No. 5,585,865 ("Amano").

Claims 47, 67, 87 and 106 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of

Klosterman and further in view of Levitan and further in view of Lawler.

II. Summary of Applicants' Reply

Applicants respectfully traverse each rejection.

III. Claims 1-42

A. The § 102 Rejection

Claims 1-2, 6-7, 17-18, 22-23, 27-28 and 38-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ruthmuller. Applicants respectfully traverse this rejection.

Applicants' independent claims 1 and 22 are directed to an interactive television program guide system and method for automatically tuning to a given channel when the user equipment is turned on. The television viewing habits of the user are monitored. The system and method further include the feature of "automatically tun[ing] the user equipment to the given channel in response to turning on the user equipment, wherein the given channel is selected by the interactive television program guide based on the monitored television viewing habits of the user" (emphasis added, claims 1 and 22).

The Examiner contends that Rothmuller shows all of the features of applicants' independent claims 1 and 22. In

particular, the Examiner points to col. 5, l. 59-col. 6, l. 4, col. 7, ll. 49-65 and col. 8, ll. 3-15 of Rothmuller.

Rothmuller is directed to a method for generating a favorite program list including program titles (col. 2, ll. 13-22). The favorite program list is generated by determining whether a viewer views a particular program for a predetermined period of time, and if so, the particular program is added to the favorite program list (col. 5, l. 64-col. 6, l. 4). Once the favorite program list is compiled, the system compares the programs from the favorite program list with program guide data for upcoming programs and identifies those upcoming programs that are in the favorite program list (col. 7, ll. 50-58). When the viewer turns on the television apparatus, a microprocessor determines whether one of the identified programs is currently running and displays an on-screen message, which includes the program name and channel number, to the viewer (emphasis added, col. 7, ll. 59-65). The microprocessor may also, in addition to displaying an on-screen message, "generate an auto-tune prompt which is also displayed on the display screen. If auto-tuning is desirable, the viewer depresses an auto-tune key on the IR remote" (col. 8, ll. 3-11). In response to receiving the user command to auto-tune, the microprocessor may set the tuner to tune to the

appropriate channel at the broadcast time of the identified program (emphasis added, col. 8, ll. 12-15).

Applicants respectfully submit that Rothmuller fails to show or suggest applicants' claimed feature of "automatically tun[ing] the user equipment to the given channel in response to turning on the user equipment", wherein the given channel is selected by the interactive television program guide based on the monitored television viewing habits of the user" (emphasis added). In direct contrast, Rothmuller displays an auto-tune prompt or an on-screen message for the user to select when the television apparatus is turned on, rather than automatically tuning to an identified channel.

For at least the foregoing reasons, independent claims 1 and 22 are allowable over Rothmuller. Claims 2, 6-7, 17-18, 23, 27-28 and 38-39, which depend from independent claims 1 and 22 are also allowable over Rothmuller for at least the reasons that independent claims 1 and 22 are allowable over Rothmuller. Accordingly, applicants respectfully request the rejection of claims 1-2, 6-7, 17-18, 22-23, 27-28 and 38-39 under 35 U.S.C. § 102(b) be withdrawn.

B. The § 103 Rejections

Claims 3-4, 8-10, 24-25 and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruthmuller.

Claims 5 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Levitan and further in view of Lawler.

Claims 11-16, 20-21, 32-37 and 41-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Klosterman.

Claims 19 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Amano.

Applicants respectfully traverse these rejections.

Applicants' dependent claims 3-5, 8-16, 19-21, 24-26, 29-37 and 40-42 depend from allowable independent claims 1 and 22, and are patentable for at least the reasons that independent claims 1 and 22 are allowable over Rothmuller. Accordingly, applicants respectfully request the rejection of claims 3-5, 8-16, 19-21, 24-26, 29-37 and 40-42 under 35 U.S.C. § 103(a) be withdrawn.

IV. Claims 43-120

Claims 43-46, 48-60, 62-66, 68-80, 82-86, 88-100, 102-105 and 107-119 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Klosterman.

Claims 61, 81, 101 and 120 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Amano.

Claims 47, 67, 87 and 106 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothmuller in view of Klosterman and further in view of Levitan and further in view of Lawler.

Applicants respectfully traverse these rejections.

Applicants' independent claims 43 and 63 are directed to an interactive television program guide system and method for automatically tuning to a given channel when the user equipment is turned on. The user may adjust settings in the interactive television program guide system. The system and method further include the feature of "automatically tun[ing] the user equipment to the given channel in response to turning on the user equipment, wherein the given channel is selected by the interactive television program guide based on the settings selected by the user" (emphasis added, claims 43 and 63).

Applicants' independent claims 83 and 102 are directed to an interactive television program guide system and method for automatically tuning to a given channel when the user equipment is turned on. The user's interactions with the interactive television program guide system are monitored. The system and method further include the feature of "automatically tun[ing] the user equipment to the given channel in response to turning on the user equipment, wherein the given channel is selected by the

interactive television program guide based on the monitored television interactions of the user with the interactive television program guide" (emphasis added, claims 83 and 102).

The Examiner contends that the combination of Rothmuller and Klosterman shows all of the features of applicants' independent claims 43, 63, 83 and 102. With regards to claims 43 and 62, the Examiner contends that Rothmuller shows all of the features of applicants' claims except for automatically tuning the user equipment to the given channel based on the settings selected by the user. With regards to claims 83 and 102, the Examiner contends that Rothmuller shows all of the features of applicants' claims 83 and 102 except for automatically tuning "the user equipment to the given channel based on the user's interactions with the interactive television program guide." To make up for these deficiencies, the Examiner points to col. 6, ll. 5-13 and FIG. 2A of Klosterman (Office Action, p. 8).

As shown above in section III, Rothmuller fails to show or suggest applicants' claimed feature of "automatically tun[ing] the user equipment to the given channel in response to turning on the user equipment" (emphasis added).

Klosterman is directed to, among other things, a program schedule guide with information regions for displaying additional information (col. 1, ll. 49-61). When the user equipment has been

turned on, a user of the program schedule guide may move a cursor to a particular cell, and if the program is not currently on, schedule an autotune to the program when the program airs (col. 6, ll. 5-13).

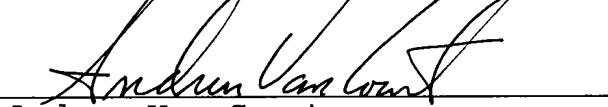
Although applicants' claimed invention may generally implicate the subject matter of Klosterman, applicants respectfully submit that independent claims 43, 63, 83 and 102 patentably improve upon Klosterman by providing a method and system that "automatically tune the user equipment to the given channel in response to turning on the user equipment, wherein the given channel is selected by the interactive television program guide based on the settings selected by the user" (emphasis added).

For at least the foregoing reasons, independent claims 43, 63, 83 and 102 are allowable over Rothmuller and Klosterman, taken alone or in combination. Claims 44-62, 64-82, 84-101 and 103-120 which depend from independent claims 43, 63, 83 and 102 are also allowable for at least the reasons that independent claims 43, 63, 83 and 102 are allowable over Rothmuller and Klosterman. Accordingly, applicants respectfully request the rejection of claims 44-62, 64-82, 84-101 and 103-120 under 35 U.S.C. § 103(a) be withdrawn.

V. Conclusion

The foregoing demonstrates that claims 1-120 are allowable. Applicants respectfully submit that this patent application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Van Court", is written over a horizontal line.

Andrew Van Court
Reg. No. 48,506
Agent for Applicants
Fish & Neave IP Group
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090